

REMARKS

Claims 1, 31, 33 and 34 have been amended. Claims 1, 7, 8, 22-25, 27-31 and 33-35 are pending and under consideration. Claims 1, 31, 33 and 34 are the independent claims. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1, 7-8, 25, 27-28, 31, and 33-35 are rejected under 35 U.S.C. §102(b) as being anticipated by Shimoda et al. (U.S. PGPub 2001/0006575).

Regarding the rejection of independent claim 1, it is noted that claim 1 recites a read-only optical information storage medium comprising a burst cutting area having a bar code, a lead-in area, a data area, and a lead-out area, in which data is recorded in a form of pits, wherein identical patterns comprising a sequence of the pits are repeatedly formed in an area of the burst cutting area and the pattern comprising the sequence of pits is not the bar code.

Shimoda discloses in FIG. 2A, a DVD-ROM 3 including a center hole CHM, which is to fix the DVD-ROM 3 to the spindle motor in an information recording/reproducing apparatus. The DVD-ROM 3 has (i) a lead-in area LIM where the start information to start recording or reproducing the record information and the like are recorded, (ii) a data area DAM, where the record information is actually recorded, and (iii) a lead-out area LOM where the end information to end recording or reproducing the record information and the like are recorded (paragraph [0088]).

Shimoda also discloses a BCA (Burst Cutting Area) formed in one portion of the lead-in area LIM (paragraph [0089]) including a code section CM (paragraph [0095]) and a phase pit (paragraph [0094]). Shimoda also discloses that an information track, formed in the data area DAM, is recorded by forming a phase pit (paragraph [0091]). That is, Shimoda simply discloses forming a phase pit in the BCA.

Shimoda makes no reference or suggestion of identical patterns comprising a sequence of the pits repeatedly formed in an area of the burst cutting area, the pattern comprising the sequence of pits not being the bar code, as recited in the independent claim. As noted above, Shimoda, at most, teaches forming a phase pit.

Accordingly, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C.

§ 102(b) be withdrawn because Shimoda fails to teach or suggest each feature of independent claim 1.

Regarding the rejection of independent claims 31, 33 and 34, it is noted that these claims recite some substantially similar features as claim 1. Thus, the rejection of these claims is also traversed for substantially the same reasons set forth above.

Furthermore, Applicant respectfully asserts that dependent claims 7, 8, 25, 27, 28 and 35 are allowable at least because of their dependency from claims 1 and 33, and because they include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 7, 8, 25, 27, 28 and 35 also distinguish over the prior art.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 22-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shimoda et al. (U.S. PGPub 2001/0006575) in view of Miyake et al (U.S. PGPub 2001/0053114).

Regarding the rejection of claims 22-24, it is noted that these claims depend from independent claim 1, and as noted above, Shimoda fails to teach or suggest the novel features of the independent claim.

Miyake, on the other hand, is relied upon for a teaching of features other than those of independent claim 1. Therefore, Applicant respectfully asserts that, at least, for this reason Miyake fails to cure the deficiencies of Shimoda.

Accordingly, Applicant respectfully asserts that the rejection of claims 22-24 under 35 U.S.C. § 103(a) should be withdrawn because neither Shimoda nor Miyake, whether taken singly or combined, teach or suggest each feature of independent claim 1 from which claims 22-24 depend.

Claims 29-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shimoda et al. (U.S. PGPub 2001/0006575) in view of Kondo (U.S. PGPub 2003/0053404).

Regarding the rejection of claims 29 and 30, it is noted that these claims depend from independent claim 1, and as noted above, Shimoda fails to teach or suggest the novel features of the independent claim.

Kondo, on the other hand, is relied upon for a teaching of features other than those of independent claim 1. Therefore, Applicant respectfully asserts that, at least, for this reason Kondo fails to cure the deficiencies of Shimoda.

Accordingly, Applicant respectfully asserts that the rejection of claims 29 and 30 under 35 U.S.C. § 103(a) should be withdrawn because neither Shimoda nor Kondo, whether taken singly or combined, teach or suggest each feature of independent claim 1 from which claims 29 and 30 depend.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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